

Application No.: 10/785,089

Docket No.: 713-1044

REMARKS

Reconsideration and allowance of the subject application in view of the foregoing amendments and the following remarks is respectfully requested. Entry of this Amendment under Rule 116 is merited as it raises no new issues and requires no further search.

Claims 1-20 are pending in the application. The claims remain unchanged notwithstanding the Examiner's repeated 35 U.S.C. 102(b) rejection relying on *Kurosaki* (U.S. Patent No. 4,657,291). The specification and Abstract have been revised to place the instant application in compliance with commonly accepted US patent practice. No new matter has been introduced through the foregoing amendments.

The 35 U.S.C. 102(b) rejection of claims 1-20 as being anticipated by *Kurosaki* is traversed, because the reference clearly fails to teach or disclose that "the case having a work face (8) provided with an elastic leg (7) moveable in the plane of said face" as recited in independent claim 1 and that "a case open at one end and having an elastic leg moveable in a work face of said case" as recited in independent claim 18.

Kurosaki fails to teach or disclose the above highlighted claim limitations, because elements 10 and 11 of *Kurosaki*, which the Examiner regarded as the claimed elastic leg and follower, respectively, are not moveable in the plane of the case's work face as presently claimed; elements 10 and 11 of *Kurosaki* are allowed to move only in the vertical direction, i.e., perpendicularly to, rather than in, the plane of the case's work face.

More particularly, the object of *Kurosaki* is to provide a locking device in which a projection provided at the end of a spring portion corresponding to the locking pin is caused to perform only a vertical motion in conformity with the slope and step of the bottom of a heart-shaped path, while a cam member formed with a heart-shaped path is caused to perform lateral movement as the lateral swinging motion in conformity with the shape of the heart, so that the two

Application No.: 10/785,089**Docket No.: 713-1044**

motions in different directions are performed by separate means to simplify the motions, facilitate the manufacture and increase the precision. See column 2, lines 44-55 of *Kurosaki*. This overall teaching is repeated throughout the disclosure of *Kurosaki*.

For example, in the specification of *Kurosaki*, projection 11 is disclosed to move only in the vertical directions by the action of spring portion 10. Since projection 11 may be moved only in the vertical directions, it may be provided directly on the spring portion 10 and can be readily formed. See column 8, lines 60-61 and column 9, lines 1 and 4-5 of *Kurosaki*. In other words, projection 11, and hence, spring portion 10, of *Kurosaki* is not allowed to move in the (horizontal) plane of the work face of the case.

Likewise, in all relevant drawings of *Kurosaki*, e.g., FIGs. 15-19, projection 11, and hence, spring portion 10, of *Kurosaki* is disclosed to be stationary, rather than moveable as presently claimed, in the (horizontal) plane of the work face of the case. This is evident from attached *Exhibit A* which includes reproduced and annotated FIGs. 15-19 of *Kurosaki*. As can be seen in *Exhibit A*, throughout the operation of the *Kurosaki* device, from the starting position (FIG. 15) to the locked position (FIG. 17) to the unlocked position (FIG. 19), projection 11 is always located on the axis, designated at A, of spike 27. This means, projection 11, and hence, spring portion 10, of *Kurosaki* is not moveable in the (horizontal) plane of the work face of the case, e.g., in the directions designated at B. It is another element of *Kurosaki*, i.e., cam member 5, which performs the lateral movements. See column 2, lines 49-50; column 7, lines 60-61; column 8, lines 66-67; and column 9, lines 31-35 of *Kurosaki*.

Accordingly, Applicants respectfully submit that *Kurosaki* does not anticipate the invention of independent claims 1 and 18. The reference also fails to anticipate the invention of depending claims 2-17 and 19-20 for at least the same reason.

Application No.: 10/785,089Docket No.: 713-1044

Accordingly, all claims in the present application, namely, claims 1-20 are now in condition for allowance. Early and favorable indication of allowance is courteously solicited.

The Examiner is invited to telephone the undersigned, Applicant's attorney of record, to facilitate advancement of the present application.

To the extent necessary, a petition for an extension of time under 37 C.F.R. 1.136 is hereby made. Please charge any shortage in fees due in connection with the filing of this paper, including extension of time fees, to Deposit Account 07-1337 and please credit any excess fees to such deposit account.

Respectfully submitted,

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